

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

GWENDOLYN DAMIANO,	:	
Plaintiff	:	CIVIL ACTION NO. 3:13-2635
v.	:	(JUDGE MANNION)
SCRANTON SCHOOL DISTRICT, <i>et al.</i>,	:	
Defendants	:	

ORDER

In accordance with the memorandum issued this same day, **IT IS HEREBY ORDERED THAT** the District defendants' motion to strike, in part, the plaintiff's affidavit, (**Doc. 122**), is **GRANTED IN PART AND DENIED IN PART AS FOLLOWS:**

- (1) the motion is **DENIED** with respect to the District defendants' request to strike paragraphs 5 and 19 under the sham affidavit doctrine;
- (2) the motion is **GRANTED** with respect to the District defendants' request to strike paragraphs 12, 14, 15, 18 as containing inadmissible hearsay for which no exception has been proffered;
- (3) the motion is **GRANTED** with respect to the District defendants' request to strike that portion of paragraph 9

which constitutes improper opinion or belief that the plaintiff was assigned to John Adams Elementary School as retaliation and is **DENIED** as to all other factual content; and

- (4) the motion is **GRANTED** with respect to the District defendants' request to strike paragraph 17 which constitutes improper opinion or belief that the plaintiff was assigned to John Adams Elementary School as retaliation.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATED: June 13, 2016

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